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NEVADA STATE BOARD OF DENTAL EXAMINERS 6010 South Rainbow Boulevard, Ste A-1 Las Vegas, Nevada 89118

Videoconferencing is available at the <u>Board office</u>, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas and at the <u>Nevada State Board of Medical Examiners located at 1105 Terminal Way</u>, Suite 301, Reno, NV 89502

NOTICE OF PUBLIC MEETING

Friday, October 4, 2013 9:00 a.m.

MINUTES

Please Note: The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. **See** NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. **See** NRS 233B.126.

At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.

Asterisks (*) denote items on which the Board may take action. Action by the Board on an item may be to approve, deny, amend, or table.

*1. Call to Order, roll call and establish quorum (For Possible Action)

Dr. Kinard called the meeting to order and Ms. Shaffer conducted the following role call:

Dr. Jade Miller	PRESENT
Dr. Gregory Pisani	PRESENT
Dr. Byron Blasco	PRESENT
Dr. J Gordon Kinard	PRESENT
Dr. Timothy Pinther	PRESENT
Dr. Jason Champagne	
Dr. J. Stephen Sill	
Mrs. Theresa Guillen	PRESENT
Mrs. Leslea Villigan	PRESENT
Mrs. Caryn L Solie	
Mrs. Lisa Wark	

Others Present: John Hunt, Board Legal Counsel; Debra Shaffer, Executive Director.

Public Attendees: Stacie Hummel, Hummel & Associates; Wendy Woodall, UNLV; Jessica Taylor, Esquire, Counsel for Dr. Jensen and Dr. Duong; Jaleh Pourhamidi, Roseman University of Health Sciences; Amber Benjamin; Michelle Fasbinder; Shari Peterson, CSN; Robert Talley, DDS, Nevada Dental Association; Brian Gibson, Lionel, Sawyer, & Colins; Kimberly Johnson, Esquire, Laurel Tokunaga Gates & Linn.

Pledge of Allegiance.

2. Public Comment: No comments.

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11՝։ Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

- *3. Executive Director's Report (For Possible Action)
 - *a. Minutes (For Possible Action)
 - (1) Budget & Finance Committee Meeting (07/29/2013) (For Possible Action)
 - (2) Board Meeting 08/02/2013 (For Possible Action)
 - (3) Board Meeting 09/05/2013 (For Possible Action)

Dr. Miller asked that there were some corrections needed in the meeting minutes from August 2nd regarding site permits. Ms. Shaffer indicated that she would make the corrections.

MOTION: Dr. Sill made the motion to adopt the minutes with the noted corrections. Dr. Blasco seconded the motion. All were in favor.

- *b. Approval for travel to the AADB Meeting in New Orleans, LA October 30-31, 2013 (For Possible Action)
 - (1) James G Kinard, DDS (For Possible Action)
 - (2) Leslea Villigan, RDH (For Possible Action)
 - (3) Jade Miller, DDS (For Possible Action)
 - (4) Theresa Guillen, RDH (For Possible Action)

Ms. Shaffer indicated that Ms. Villigan will be traveling in place of Dr. Blasco. It was noted that the Board would be paying the registration fees for the Board members, and that Board members can submit their expense reimbursements to the Board.

MOTION: Dr. Blasco made the motion to approve. Dr. Sill seconded the motion. All were in favor.

- *c. Approval from NSBDE for Representative to ADEX House of Representatives (For Possible Action)
 - (1) Rick B Thiriot, DDS (For Possible Action)

Dr. Miller inquired if expenses would be reimbursed by ADEX. Ms. Shaffer responded affirmatively. Mrs. Wark commented that she would be traveling with Dr. Thiriot and noted to the Board that she is the District 12 Consumer Representative.

MOTION: Dr. Blasco made the motion to approve. Dr. Miller seconded the motion. All were in favor.

- *d. Approval for Calendar of Events 2014 NRS 631.190 (For Possible Action)
- Dr. Miller asked that the meeting for April please be change in possible to April 4th instead of April 11th, as he has a conflict on the date presented. Dr. Kinard indicated that he would have staff look into other available dates.

MOTION: Mrs. Wark made the motion to approve. Mrs. Solie seconded the motion. All were in favor.

*e. Review of Balance Sheet/Financials for month of July 2013 (For Possible Action)

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Dr. Miller inquired on the professional fees, to which Mrs. Hummel indicated that the amount budgeted was based on historical fees. There was discussion of fees for random inspection of offices for infection control. They continued on to discuss travel reimbursements for investigators and inspectors. Ms. Shaffer went over the amounts reimbursed per diem, travel, etc. Ms. Shaffer noted to Dr. Miller that letters were sent out to permit holders who could potentially be interested in becoming an inspector for the Board. There was discussion on consideration of increasing the rates for evaluators. However, the Board would address that afte the Workshop regarding schedule of fees.

MOTION: Dr. Miller made the motion to approve. Mrs. Wark seconded the motion. All were in favor.

*f. Approval to Submit Audit to the State (For Possible Action)

The Board reviewed audits from previous years and compared how far the Board has come. They discussed the 2013 audit. Stacie indicated to the Board that they were able to save money, collect a significant amount in reimbursed legal fees and project cuts were made.

MOTION: Mrs. Wark made the motion to approve. Dr. Pinther seconded the motion. All were in favor.

MOTION: Dr. Sill made the motion to go out of order to agenda item 5(a). Mrs. Wark seconded the motion. All were in favor.

*5. New Business (For Possible Action)

*a. Discussion at the request of Sharon Peterson, RDH, Program Director for CSN Dental Hygiene Program regarding protocol for dental hygiene licensure NRS631.300 and NAC 631.030 (For Possible Action)

Mrs. Peterson approached the Board Members. She asked that the Board reconsider the application process and, perhaps, simplify the process. Mrs. Peterson commented that sometimes applicants aren't aware of the items needed to complete the application process and are not notified when their application is received and if there are any outstanding items. Mr. Hunt noted to Mrs. Peterson that the Board staff works hard to comply with the statutes and regulations. Mr. Hunt noted that the applicant is ultimately responsible to ensure that the application and all required information is submitted in a timely matter. Ms. Shaffer noted to Mrs. Peterson that the Board recently revamped all the application documents, and created a checklist for the applicants to use as a guideline of what items need to be submitted. Mrs. Peterson indicated that there is sometimes a delay in degrees being posted to an applicants' final transcript and asked if the Board would be willing to accept the Background report prior to the background company receiving the transcript. Dr. Sill indicated that having the background report forwarded to the Board if the transcript is the only document pending, would be okay. Dr. Blasco commented to Mrs. Peterson that the applicant is ultimately responsible for verifying with the Board of the necessary documents needed by the Board to complete their application, and to ensure that they have submitted all required documents.

MOTION: Dr. Sill made the motion to return to agenda order. Mrs. Villigan seconded the motion. All were in favor.

*4. Board Counsel's Report (For Possible Action)

*a. Legal Actions/Lawsuit(s) Update (For Possible Action)

Mr. Hunt noted to the Board that there has been no new litigation since October of 2012. He indicated that he has met with the District Attorney to discuss those practicing dentistry illegally. He reminded the board members that stipulation agreements must not be discussed outside of the Board. He noted further, that corrective action stipulation agreements allow a practitioner to amend their errors without it being reported to the National Practitioners Data Bank.

*b. Consideration of Stipulation Agreements (For Possible Action)

*(1) William B Gussow, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Dr. Sill made the motion to adopt the correction action stipulation agreement. Mrs. Wark seconded the motion. All were in favor.

*(2) Jaren T Jensen, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Dr. Blasco made the motion to adopt the correction action stipulation agreement. Mrs. Wark seconded the motion. All were in favor.

*(3) Trung Q Xa, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Mrs. Wark made the motion to adopt the correction action stipulation agreement. Dr. Pinther seconded the motion. All were in favor.

*(4) Joseph Duong, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Dr. Pinther made the motion to adopt the correction action stipulation agreement. Mrs. Wark seconded the motion. All were in favor.

*(5) Thien T Tang, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Mrs. Wark made the motion to adopt the correction action stipulation agreement. Mrs. Villigan seconded the motion. All were in favor.

*(6) Robin Lee, DDS (For Possible Action)

Mr. Hunt went over the provisions of the corrective action stipulation agreement.

MOTION: Mrs. Wark made the motion to adopt the correction action stipulation agreement. Dr. Sill seconded the motion. All were in favor.

*(7) James Callaway, DDS (For Possible Action)

Ms. Johnson, counsel for Dr. Callaway was present. Mr. Hunt went over the provisions of the disciplinary stipulation agreement. Dr. Blasco noted a typographical error in the stipulation agreement. Mr. Hunt indicated that they will correct the error.

MOTION: Dr. Blasco made the motion to adopt the disciplinary stipulation agreement with the noted change to be made. Dr. Pinther seconded the motion. All were in favor.

*5. New Business (For Possible Action)

*b. Request for Advisory Opinion from Jaleh Pourhamidi, DMD Program Director in Orthodontics at Roseman University regarding limited license to practice dentistry or dental hygiene– permits authorizing certain persons to practice dentistry or dental hygiene. – NRS 631.271 and NAC 631.279 (For Possible Action)

See advisory opinion on file for public viewing.

RECESS: 11:25 a.m.

RETURN FROM RECESS: 11:33 a.m.

- *c. Appointment of Board Member to Resource Groups -NRS 631.190 (For Possible Action)
 - (1) Gregory Pisani, DDS

Dr. Kinard indicated that Dr. Pisani will replace Dr. Soltani's position in the following resource groups:

- o Legal and Disciplinary Action
- o Continuing Education
- o Specialty
- Infection Control

*d. Approval for Re-Classification of Titles and Duties for Employees – NRS 631.190 (For Possible Action)

Dr. Kinard indicated that Ms. Shaffer has assigned new duties and re-classified titles. Ms. Shaffer indicated that current employee duties do not reflect what an employee actually does. After researching with other board agencies, the reclassification would allow for office staff to be cross-trained. She added that some of the duties were changed per the recommendations by the auditors for risk management purposes. She added, further, that based on the reclassification new positions and increased duties, a percentage was granted for increase the salaries; which increase in salaries was previously approved by the Board upon approving the Board budget at the last held Board meeting.

Mrs. Wark inquired on who is in charge of the office when the Executive Director is off. Ms. Shaffer indicated that Ms. Stratton is in charge. Dr. Miller and Mrs. Wark inquired on the disciplinary process and the assignment of DSOs'. They inquired on the amount of involvement Mr. Morales plays in being the back-up disciplinary assistant for Ms. Shaffer. There was discussion on waiting to fill the part-time receptionist position.

Mr. Hunt noted to the Board that the positions approved are temporary positions and duties can be changed at any time.

MOTION: Dr. Sill made the motion to approve the duty reclassifications and salaries, and hold off on filling the part-time position. Dr. Blasco seconded the motion. All were in favor.

- *e. Approval for Dental Licensure by ADEX NRS 631.240(1)(b)(1) (For Possible Action)
 - Edward Y Lee DDS
 - (2) Brittany A Wilson DDS

Dr. Sill indicated that he reviewed the applications; all met the criteria, and recommended approval.

MOTION: Mrs. Villigan made the motion to approve. Dr. Miller seconded the motion. All were in favor; Dr. Sill abstained.

- *f. Approval for Dental Licensure by WREB NRS 631.240(1)(b)(2) (For Possible Action)
 - (1) Renee M Calkins DDS

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- (2) Scott R Cardall DMD
- (3) April J Cole DDS
- (4) Donald J Fowkes DDS
- (5) Jason C Hsieh DDS
- (6) Christina V Myrin DMD
- (7) Christian R Peralta DMD
- (8) Jonathan Shouhed DDS
- (9) Nathan E Swensen DMD
- (10) Benjamin J Whitted DDS
- (11) Jaime N Williams DDS

Dr. Sill indicated that he reviewed the applications; all met the criteria, and recommended approval.

MOTION: Mrs. Guillen made the motion to approve. Mrs. Wark seconded the motion. All were in favor; Dr. Sill abstained.

*g. Approval for Specialty License by Application – NRS 631.250 (For Possible Action)

- (1) Brian C Anderson DDS Orthodontics
- (2) Scott R Cardall DMD Orthodontics
- (3) Pamela C Ejiofor DDS Pediatric Dentistry
- (4) Shokofeh R Motlagh DMD Orthodontics

*h. Approval for Specialty License by Credential - NRS 631.255(1)(a) (For Possible Action)

- (1) Craig K Andresen DDS Prosthodontics
- (2) Matthew H Gustafsson DDS, MS Pediatric Dentistry

*i. Approval for Specialty License by Credential - NRS 631.255(1)(b) (For Possible Action)

- (1) Allison Y Andresen DDS Prosthodontics
- (2) Edward D Asdel DDS Endodontics
- (3) Greg Y Kim DDS Endodontics
- (4) Micah G Mortensen DDS, MS Orthodontics
- (5) Ryan R Plewe DDS Orthodontics

Dr. Sill indicated that he reviewed the applications of applicants under (g) (h) (i); all met the criteria, and recommended approval.

MOTION: Mrs. Guillen made the motion to approve agenda items (5)(g)(h)(i). Mrs. Wark seconded the motion. All were in favor; Dr. Sill abstained.

*j. Approval for Limited License for Post-Graduate Residency Program – NRS 631.271 (Pending 90-Day Completion) (For Possible Action)

(1) Lauren M Wegrzyniak DMD

Dr. Sill indicated that he reviewed the application; it met the minimum requirements for a license contingent upon receiving the background report. He recommended approval.

MOTION: Mrs. Wark made the motion to approve. Mrs. Villigan seconded the motion. All were in favor; Dr. Sill abstained.

338 339 340 341	*k. Approval for Limited License for Supervision of Live-Pa Course – NRS 631.2715 (For Possible Action)	atient Continuing Education
343 343 344 345 346 347 348 349 350 351 352	(1) Norman R Thomas DDSTABLE	
	MOTION: Dr. Miller made the motion to table this agenda item. Mrs. G were in favor; Dr. Sill abstained.	uillen seconded the motion. All
	*I. Approval for Dental Hygiene Licensure by ADEX – NRS (For Possible Action)	631.300(1)(b)(1)
	(1) Sydni M Morris RDH(2) Eugenia M Moses RDH(3) Lisa M Nitkowski RDH(4) Christy L Thomas RDH	
354 355 356	Dr. Sill indicated that he reviewed the applications; all met the criteria, a	and recommended approval.
357 358 359	MOTION: Mrs. Villigan made the motion to approve. Dr. Blasco second Dr. Sill abstained.	ded the motion. All were in favor;
360 361	*m. Approval for Dental Hygiene Licensure by WREB - NRS (For Possible Action)	S 631.300(1)(b)(2)
362 363 364 365 366 367	 (1) Lindsey A Baldini RDH (2) Amber M Benjamin RDH (3) Michelle R Fasbinder RDH (4) Katelyn I Francoeur RDH (5) Jessica L Goette RDH (6) Laura G Helber RDH 	 (7) Lloyd L Howard RDH (8) Melissa Hunnicutt RDH (9) April K Larsen RDH (10) Danielle L Lemmel RDH (11) Lani E Ward RDH (12) Jason J Williams RDH
	Dr. Sill indicated that he reviewed the applications; all met the criteria, a	and recommended approval.
	MOTION: Mrs. Villigan made the motion to approve. Mrs. Wark second Dr. Sill abstained.	ded the motion. All were in favor;
368 369	*n. Approval of Voluntary Surrender of License – NAC 631.	160 (For Possible Action)
370 371 372 373 374 375 376 377 378 379 380 381 382 382	 (1) Reen U Chung DDS (2) Kathleen S Bennett RDH (3) Frances Cox RDH (4) Kelly J Hicks RDH (5) Laralyn D Jones RDH (6) Anna M Lindstrom RDH (7) Jana F Lucas RDH (8) Lonnie C Lindstrom RDH (9) Georgia L Ryan RDH. 	
	Ms. Shaffer indicated that previously a change was made to not require however, the statutes and regulations require all licensees registered w or biennially depending on the license type. These individuals have opted	ith the Board must renew annually
	MOTION: Dr. Sill made the motion to approve. Mrs. Wark seconded the	e motion. All were in favor.

*o. Reactivation of Inactive Specialty License (Periodontia) – NAC 631.170 (For Possible Action)

(1) Jennifer S Cha DMD - Periodontics

Ms. Shaffer indicated that Dr. Cha previously held a periodontal license, but had it placed on inactive so that she could practice general dentistry. She would like to reactivate her specialty license. Board members inquired on the civil cases noted by Dr. Cha, however, no information on said cases was provided.

MOTION: Dr. Miller made the motion to table this item, and asked that Board staff request more information on the civil cases noted on the reactivation form. Mrs. Guillen seconded the motion. All were in favor.

- *p. Approval of Public Health Endorsement NRS 631.287 (For Possible Action)
 - (1) Anastasia Cheremnykh, RDH Future Smiles

MOTION: Mrs. Villigan made the motion to approve. Mrs. Guillen seconded the motion. All were in favor.

- *q. Approval for Anesthesia-Temporary Permit NAC 631.2254 (For Possible Action)
 - *(1) General Anesthesia (For Possible Action)
 - a. Nathan R Baxter, DDS
 - *(2) Conscious Sedation (For Possible Action)
 - a. Pamela C Ejiofor, DDS
- Dr. Miller indicated that he and Dr. Sill both reviewed the applications and recommended approval.

MOTION: Dr. Pinther made the motion to approve both applications. Mrs. Guillen seconded the motion. All were in favor; Dr. Miller and Dr. Sill abstained.

- *r. Approval for Anesthesia-Permanent Permit NAC 631.2233 (For Possible Action)
 - *(1) General Anesthesia (For Possible Action)
 - a. Bryce D Leavitt, DMD
 - *(2) Conscious Sedation (For Possible Action)
 - a. Benjamin D Syndergaard, DMD
 - b. Crystal L Bill, DMD
- Dr. Miller indicated that he and Dr. Sill both reviewed the applications and recommended approval.

MOTION: Dr. Pinther made the motion to approve both applications. Mrs. Guillen seconded the motion. All were in favor; Dr. Miller and Dr. Sill abstained.

- *s. Approval for a 90-Day Extension of Anesthesia Permit NAC 631.2254(2) (For Possible Action)
 - *(1) General Anesthesia (For Possible Action)

443 a. Shaheen M Moezzi, DDS 444 Dr. Miller indicated that he and Dr. Sill both reviewed the applications and recommended approval. 445 446-MOTION: Dr. Pinther made the motion to approve both applications. Mrs. Guillen seconded the motion. All were in favor; Dr. Miller and Dr. Sill abstained. 6. Resource Group Reports *a. Legislative and Dental Practice (For Possible Action) 452 (Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr. Kinard; Mrs. Guillen, Mrs. Wark) Dr. Pinther indicated that a meeting for this group is going to be held after the Board meeting in December. *b. Legal and Disciplinary Action (For Possible Action) (Chair: Dr. Kinard; Dr. Pisani; Dr. Sill; Dr. Blasco; Mrs. Villigan; Mrs. Wark) No report. *c. Examinations (For Possible Action) *(1) **Dental** (For Possible Action) (Chair: Dr. Miller; Dr. Kinard and Mrs. Guillen) No report. *(2) **Dental Hygiene** (For Possible Action) (Chair: Mrs. Villigan; Mrs. Guillen, Ms. Solie; Dr. Pinther) No report. *d. Continuing Education (For Possible Action) (Chair: Dr. Sill; Dr. Blasco; Dr. Soltani; Mrs. Villigan; Ms. Solie) No report. *e. Committee of Dental Hygiene (For Possible Action) (Chair: Mrs. Guillen; Mrs. Villigan, Ms. Solie; Dr. Sill) No report. *f. Specialty (For Possible Action) (Chair: Dr. Soltani; Dr. Miller; Dr. Pinther) No report. *g. Anesthesia (For Possible Action) (Chair: Dr. Miller; Dr. Pinther; Dr. Champagne, Dr. Kinard) Dr. Miller thanked Dr. Tony Guillen and Dr. Thomas Kutansky for all their former work on the evaluation team. He asked Ms. Shaffer to work with Board Special Counsel, Lee Drizin, on scheduling a workshop for the regulation changes.

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(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Soltani; Ms. Solie; Mrs. Wark)

*h. Infection Control (For Possible Action)

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Ms. Shaffer indicated that office staff has developed an initial office inspection request form for new offices to use to notify the Board.

*i. <u>Budget and Finance Committee</u> (For Possible Action) (Chair: Dr Sill, Mrs. Wark, Mrs. Guillen)

No report.

7. Public Comment: No public comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

8. <u>Announcements:</u> Dr. Miller noted to the Board that Dr. Pinson will be giving a meeting at the Northern Nevada Dental Society on December 10, 2013 on prescription writing.

Ms. Shaffer welcomed Dr. Pisani to the Board. She noted to the Board that board staff will be developing a new dental hygiene renewal form. She commented to the Board that the Legislative and Dental Practice Resource Group will be holding a workshop on December 13th to go through all the regulations, with the exception of the anesthesia, to make changes, repeals, and amendments.

Mrs. Wark commented that if anyone would like to add anything to the Board newsletter to contact her or the Board office.

*9. Adjournment: Mrs. Wark made the motion to adjourn. Mrs. Guillen seconded the motion. All were in favor.

Meeting Adjourned at 12:44 pm.

Respectfully submitted by:

Debra Shaffer-Kugel, Executive Director